



**NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 550**

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)

S550-ATT-84 [v.3]

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Amends Title [NO]  
First Edition

Date \_\_\_\_\_, 2021

Senator \_\_\_\_\_

moves to amend the bill on page 1, line 34, through page 3, line 11, by rewriting the lines to read:

**"SECTION 3.(a) G.S. 15A-531 reads as rewritten:**

**"§ 15A-531. Definitions.**

As used in this Article the following definitions apply unless the context clearly requires otherwise:

...

(4a) "Charitable bail organization" means an organization that solicits or accepts donations from the public for the purpose of depositing money to secure appearance bonds required under G.S. 15A-534(a)(4).

...."

**SECTION 3.(b) G.S. 15A-544.2 reads as rewritten:**

**"§ 15A-544.2. Identifying information on bond.**

(a) The following information shall be entered on each bail bond executed under Part 1 of this Article:

- (1) The name and mailing address of the defendant.
- (2) The name and mailing address of any accommodation bondsman executing the bond as surety.
- (3) The name and license number of any professional bondsman executing the bond as surety and the name and license number of the runner executing the bail bond on behalf of the professional bondsman.
- (4) The name of any insurance company executing the bond as surety, and the name, license number, and power of appointment number of the bail agent executing the bail bond on behalf of the insurance company.
- (5) The name and mailing address of any surety executing the bond and if any surety executing the bond is acting on behalf of a charitable bail organization, the name and mailing address of the charitable bail organization.

(b) If a defendant is released upon execution of a bail bond that does not contain all the information required by subsection (a) of this section, the defendant's order of pretrial release may be revoked as provided in G.S. 15A-534(f)."

**SECTION 3.(c) G.S. 15A-544.3 reads as rewritten:**

**"§ 15A-544.3. Entry of forfeiture.**



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1       (a)     If a defendant who was released under Part 1 of this Article upon execution of a bail  
2 bond fails on any occasion to appear before the court as required, the court shall enter a forfeiture  
3 for the amount of that bail bond in favor of the State against the defendant and against each surety  
4 on the bail bond.

5       (b)     The forfeiture shall contain the following information:

6           (1)    The name and address of record of the defendant.

7           (2)    The file number of each case in which the defendant's appearance is secured  
8 by the bail bond.

9           (3)    The amount of the bail bond.

10          (4)    The date on which the bail bond was executed.

11          (5)    The name and address of record of each surety on the bail ~~bond~~ bond and if  
12 any surety acted on behalf of a charitable bail organization, the name and  
13 mailing address of the charitable bail organization.

14       ...

15       (9)     The following notice: "TO THE DEFENDANT AND EACH SURETY  
16 NAMED ABOVE: The defendant named above has failed to appear as  
17 required before the court in the case identified above. A forfeiture for the  
18 amount of the bail bond shown above was entered in favor of the State against  
19 the defendant and each surety named above on the date of forfeiture shown  
20 above. This forfeiture will be set aside if, on or before the final judgment date  
21 shown above, satisfactory evidence is presented to the court that one of the  
22 following events has occurred: (i) the defendant's failure to appear has been  
23 stricken by the court in which the defendant was required to appear and any  
24 order for arrest that was issued for that failure to appear is recalled, (ii) all  
25 charges for which the defendant was bonded to appear have been finally  
26 disposed by the court other than by the State's taking a voluntary dismissal  
27 with leave, (iii) the defendant has been surrendered by a surety or bail agent  
28 to a sheriff of this State as provided by law, (iv) the defendant has been served  
29 with an Order for Arrest for the Failure to Appear on the criminal charge in  
30 the case in question as evidenced by a copy of an official court record,  
31 including an electronic record, (v) the defendant died before or within the  
32 period between the forfeiture and the final judgment as demonstrated by the  
33 presentation of a death certificate, (vi) the defendant was incarcerated in a unit  
34 of the Division of Adult Correction and Juvenile Justice of the Department of  
35 Public Safety and is serving a sentence or in a unit of the Federal Bureau of  
36 Prisons located within the borders of the State at the time of the failure to  
37 appear as evidenced by a copy of an official court record or a copy of a  
38 document from the Division of Adult Correction and Juvenile Justice of the  
39 Department of Public Safety or Federal Bureau of Prisons, ~~or~~ (vii) the  
40 defendant was incarcerated in a local, state, or federal detention center, jail, or  
41 prison located anywhere within the borders of the United States at the time of  
42 the failure to appear, or between the failure to appear and the final judgment  
43 date, and the district attorney for the county in which the charges are pending

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1 was notified of the defendant's incarceration while the defendant was still  
2 incarcerated and the defendant remains incarcerated for a period of 10 days  
3 following the district attorney's receipt of notice, as evidenced by a copy of  
4 the written notice served on the district attorney via hand delivery or certified  
5 mail and written documentation of date upon which the defendant was  
6 released from incarceration, if the defendant was released prior to the time the  
7 motion to set aside was ~~filed~~ filed, (viii) notice of forfeiture was not provided  
8 pursuant to G.S. 15A-544.4(e), or (ix) the court refused to issue an order for  
9 arrest for the defendant's failure to appear, as evidenced by a copy of an  
10 official court record, including an electronic record. The forfeiture will not be  
11 set aside for any other reason. If this forfeiture is not set aside on or before the  
12 final judgment date shown above, and if no motion to set it aside is pending  
13 on that date, the forfeiture will become a final judgment on that date. The final  
14 judgment will be enforceable by execution against the defendant and any  
15 accommodation bondsman and professional bondsman on the bond. The final  
16 judgment will also be reported to the Department of Insurance. Further, no  
17 surety will be allowed to execute any bail bond in the above county until the  
18 final judgment is satisfied in full."

19 **SECTION 3.(d)** G.S. 15A-544.5(b) reads as rewritten:

20 "(b) Reasons for Set Aside. – Except as provided by subsection (f) of this section, a  
21 forfeiture shall be set aside for any one of the following reasons, and none other:

22 ...

23 (8) Notice of the forfeiture was not provided pursuant to G.S. 15A-544.4(e).

24 (9) The court refused to issue an order for arrest for the defendant's failure to  
25 appear, as evidenced by a copy of an official court record, including an  
26 electronic record."

27 **SECTION 3.(e)** The North Carolina Administrative Office of the Courts (AOC) shall  
28 compile the following:

- 29 (1) The total number of bail bonds executed.  
30 (2) The total number of bail bonds executed by a surety acting on behalf of a  
31 charitable bail organization.  
32 (3) The total number of bail bonds forfeited.  
33 (4) The total number of bail bonds forfeited that have a surety that acted on behalf  
34 of charitable bail organization.

35 AOC shall submit an annual report providing the totals listed above, a statistical  
36 analysis comparing the compiled information, and a representation of the information compiled  
37 by county in addition to the state, along with any supplemental information, to the Joint  
38 Legislative Oversight Committee on Justice and Public Safety no later than February 1, 2023.

39 **SECTION 3.(f)** This section is effective December 1, 2021, and applies to bonds  
40 executed and forfeitures entered on or after that date.

41 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes  
42 law."

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SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_